

REMARKS

Claims 1-7 are pending.

Claims 1, 6 and 7 stand rejected.

Claims 2-5 are objected to.

Claims 1 and 3-5 have been amended.

Claims 2, 6 and 7 have been cancelled without prejudice.

No new matter has been added.

Claims 1 and 3-5 are hereby submitted for reconsideration.

In paragraph 3 of the Office Action, the Examiner has rejected claim 7 under 35 U.S.C. § 112 under the enablement requirement. Applicants have cancelled this claim and respectfully request that this rejection be withdrawn.

In paragraph 5 of the Office Action, the Examiner has rejected claim 6 under 35 U.S.C. § 112 for omitting an essential structural element. Although the Applicants disagree with this assertion, for the purposes of expediting the prosecution of this application, claim 6 has been cancelled without prejudice. As such, Applicants respectfully request that this rejection be withdrawn.

In paragraph 7 of the Office Action, the Examiner has rejected claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by Madkour et al. (U.S. Patent No. 6,574,270). In paragraph 8 of the Office Action, the Examiner has rejected claims 1 and 7 under 35 U.S.C. § 102(e) as being anticipated by Sawashashi et al. (U.S. Patent No. 6,137,788). Applicants note that in paragraph 9 of the Office Action, the Examiner has indicated that defendant claims 2-5 would be allowable if re-written in independent form.

Application No. 09/770,819
Amendment dated June 24, 2004
Reply to Office Action dated April 2, 2004

Applicants respectfully disagree with the Examiner's rejection of the claims in view of the prior art references. However, in order to expedite the prosecution of the application, Applicants have cancelled claims 2, 6 and 7 without prejudice and amended claims 3-5 such that each of these claims is now independent and contain all of the elements of claim 1, from which the each originally depended. Also, the allowable subject matter of claim 2 was amended into independent claim 1.

As such, each of amended claims 1 and 3-5 are in allowable format as indicated by the Examiner in paragraph 9 of the Office Action. Also, Applicants specifically reserve the right to prosecute cancelled claims 6 and 7 in a timely filed continuation application, filed at any time before the issue of this present application.

Applicants respectfully submit that the present invention as claimed in claims 1 and 3-5 are now in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that a telephone interview would advance the prosecution of this application he is invited to contact the undersigned at the number listed below.

Respectfully submitted

SOFER & HAROUN, LLP

Dated: 6/24/04

By: 
Joseph Sofer
Reg. No. 34,438
317 Madison Avenue
Suite 910
New York, New York 10017
(212)697-2800